

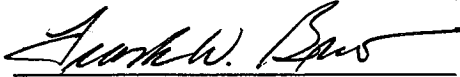
CITY OF BOULDER

POLICIES AND PROCEDURES

ALCOHOL & DRUG USE POLICY

EFFECTIVE DATE: March 1, 1992

LAST REVISED: August 21, 2006



Frank Bruno, City Manager

I. POLICY

City of Boulder employees may not purchase, possess, use, sell, manufacture or be under the influence of an illegal drug or of alcoholic beverages during any work hours for which an employee is paid by the City, or while on City property. This prohibition shall not apply to possession of an unopened container of alcohol for a period not in excess of one work shift, until the container can be taken home.

However, alcohol or illegal drugs may not be transported in a City-owned vehicle at any time, except in the case of Police Department employees who must transport alcohol or drugs for evidence purposes. This prohibition also shall not apply during off-work hours on City property where the consumption of alcohol is permitted. This policy is in effect during the time employees are on paid breaks and while using a City vehicle, either on or off duty.

City of Boulder employees are covered by City ordinance #5195 which provides guidelines in the event that drug/alcohol testing is required. A copy of that ordinance is attached to this policy.

No drug or alcohol test shall be requested or required from an employee unless, at the time of the request or requirement, the City has individualized reasonable suspicion, based on specific, objective, clearly expressed facts, to believe the employee is under the influence of a drug or alcohol on the job, or his or her job performance is currently adversely affected by use of a drug or alcohol, or the employee has agreed to the test as part of an employee assistance program after a finding or admission of prior drug or alcohol abuse.

II. POSITION STATEMENT

The city of Boulder is concerned about the health, safety, well being and satisfactory work performance of all employees. It is the City's position that the use of alcoholic beverages and illegal drugs on the job can (1) seriously affect an employee's health and well being; (2) markedly reduce work performance; (3) be a source of potential danger to self, coworkers, and the general public; and (4) cause a loss of confidence by the public.

It is intended that this policy be in compliance with the Federal Drug Free Workplace Act and, in conjunction with the City's Substance Abuse Training Programs, constitute a good faith effort to provide and maintain a drug free work environment for all employees.

III. SCOPE

A. Employee Responsibility

Employees using prescription drugs that have a debilitating effect on job performance must report their use to their immediate supervisor. Additional restrictions may be applied to employees using heavy equipment, by policy of the supervisor. Prescription drugs may not be transferred to any other person.

As a condition of continued employment, employees must notify their supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

B. Supervisor Responsibility

1. Supervisors are responsible for ensuring that all employees under their direction are free from the disabling effects of drug or alcohol use. Supervisors are expected, to the extent that it is possible, to ensure all of their employees are able to perform the full scope of their duties without loss of efficiency or increased danger to themselves, coworkers, or the public as a result of drug or alcohol use.
2. If the supervisor suspects or learns by any means that an employee may be under the influence of a drug or alcohol while on the job, he/she must immediately confront the employee to make his/her own determination by direct observation. If, in the judgement of the supervisor, there may be reasonable suspicion to believe the employee is under the influence of a drug or alcohol, or that the employee's job performance is currently adversely affected by use of a drug or alcohol, the supervisor shall ask for an explanation.

If the explanation is unsatisfactory for any reason, the supervisor must not allow the employee to work. The supervisor must immediately notify the employee as to the reason for this decision. If practical, the supervisor shall document the reason for the decision in writing immediately after making the decision.

If practical, the Human Resources Department shall be contacted prior to any action by the supervisor, and the employee shall be permitted to talk to a Human Resources Department representative upon request. However, failure to take any of the above-described actions does not constitute a defense to discipline subsequently imposed under this policy.

- a. If the employee agrees that she/he is under the influence of a drug or alcohol, the employee will be transported home. Under no circumstances will an impaired employee be allowed to operate any vehicle, including his/her own.
- b. If the employee denies being under the influence of a drug or alcohol, but there is reasonable suspicion to believe that the employee is under the influence, the supervisor must arrange for the employee to be taken to a City designated facility for a drug and alcohol test.
- c. The employee may refuse to be tested, or to be taken home. Under such circumstances, the employee will be advised that:
 - She/he will not be allowed to drive any vehicle, including his/her own vehicle.
 - The police will be summoned if the employee makes any attempt to drive.
 - Refusal to be tested or to be taken home will result in additional disciplinary action, including termination.
- d. The employee will be sent a copy of the documentation supporting any test result at the same time the information is sent to the City. The employee may, at his/her option,

provide any written information or explanation he/she chooses in response to the test results.

- e. The employee may at his or her request and expense contract with a laboratory meeting the National Institute of Drug Abuse Standards to have a second confirmatory test performed on an untested portion of the original specimen, subject to the same chain of custody assurances provided for in the original test.
3. Supervisors should also be alert to any indication that an employee has a problem with drug use or alcohol abuse. This might include observations such as an unexplained decline in performance, deteriorating attendance patterns or unusual emotional changes.

Should the supervisor observe such work related problems, he/she should confront the employee and openly discuss his/her observations. The supervisor should provide the employee information on the City's Employee Assistance Program (EAP) and on use of sick, vacation or unpaid leave should the employee choose to seek treatment for chemical dependency. The employee may be directed to the Human Resources Department for information on treatment options covered by the City's health insurance providers.

The supervisor should also discuss the consequences of relevant performance related issues with the employee and, if appropriate, the impact that loss of driving privileges might have on the employee.

IV. CONFIDENTIALITY

The release of test results is prohibited, except as authorized by the person tested, or to those employees of the City with a reasonable business need to know, or as required by a court of law.

V. DISCIPLINARY ACTION

Any employee who admits to being under the influence of a drug or alcohol, or who tests positive on a drug or alcohol test administered in accordance with this policy, or who possesses, purchases, sells, consumes or manufactures alcohol or illegal drugs, will be disciplined as described in A. and B. below.

A. Reporting to Work Impaired

Any employee reporting to work in a condition which the supervisor believes may interfere with the employee's ability to perform his/her job shall be suspended for the remainder of the shift. If the employee is shown to be under the influence of drugs or alcohol on the job, he/she shall be suspended for at least one additional day. All time away from work will be recorded as disciplinary action.

When impairment is the result of prescribed medication, the above paragraph will not apply. However, the employee shall be put on sick leave. Authorization for the employee to return to work may be required from the prescribing physician.

B. On-the-Job

1. Any employee who possesses (with the exceptions noted on page 1), purchases, or consumes alcohol or illegal drugs on the job will be subject to at least one work week's suspension without pay. Discipline may include termination. Each supervisor must ensure

that these measures are implemented; failure to do so may result in disciplinary action being taken against the non-complying supervisor.

2. The selling or manufacture of controlled substances by a City employee while on the job will be grounds for mandatory termination. The supervisor must notify the Boulder Police Department of the sale or manufacture of controlled substances so that appropriate legal action may be taken.
3. Bargaining unit employees may appeal any disciplinary action imposed as a result of positive test results according to provisions of their respective collective bargaining agreements. Management employees may appeal any disciplinary action according to provisions of the "Resolution of Management Employee Problems" policy.

VI. IMPAIRMENT AND SYMPTOMS

This section is intended to provide some guidance as to when drug or alcohol testing for on the job impairment may be appropriate. However, each situation should be examined on a case-by-case basis.

A. Reasonable Suspicion

Reasonable suspicion is defined as evidence sufficient to support a belief that an individual is under the influence of an illegal drug or alcohol. The following three categories are examples of reasonable suspicion.

1. Direct observation of on the job drug or alcohol use is sufficient without any observation symptoms.
2. A reliable non-hearsay report of off the job drug use or alcohol abuse coupled with the observation of unexplained symptoms on the job.
3. Significant or prolonged symptoms on the job which are otherwise unexplained.

B. Observable Symptoms

The following are examples of observable symptoms which might be an indication of alcohol or drug use. Generally, more than one of these symptoms must be observed to support a conclusion that the employee may be under the influence of drugs or alcohol on the job. Ultimately, the supervisor must provide a specific explanation of the symptoms witnessed, including time, place, context, and behavioral details. Reasonable suspicion must be based on the employee's behavior as a whole, rather than isolated symptoms.

- Unexplained Significant Decline in Job Performance
- Lack of Coordination
- Staggering Gait
- Depressed Reflexes
- Speech Difficulty
- Slurred Speech
- Repetitive Speech
- Extremely Talkative
- Dazed Appearance
- Blank Stare
- Disorientation

- Confusion
- Body Tremors
- Extreme Restlessness
- Muscle Rigidity
- Noticeably Dilated or Constricted Pupils
- Extremely Bloodshot Eyes
- Droopy Eyelids
- Redness in Nasal Area
- Heavy Perspiration

VI. INTERPRETATION AND APPLICATION

Employees who have questions concerning the interpretation or application of this policy should be directed to the Human Resources Department.

VII. EXCEPTIONS/CHANGE

This policy supersedes all previous policies covering the same or similar topics. Only the Human Resources Director or the City Manager may grant any exception to this policy. This policy may be reviewed and changed at any time. This document is not intended to be an employment contract.